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April 29, 2010

The Honorable Gregory M. Sleet
United States District Court
844 N. King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Aventis Pharma S.A., et al. v. Hospira, Inc., et al.*
C.A. No. 07-721-GMS (consolidated)

Dear Chief Judge Sleet:

We write on behalf of Plaintiffs in the above action to update the Court regarding the Federal Circuit decision that was recently cited as subsequent authority in Defendants' April 19, 2010 letter. (D.I. 391; *see also* D.I. 392.) That decision, *Therasense, Inc. v. Becton, Dickinson & Co.*, 593 F.3d 1289 (Fed. Cir. 2010), has just been vacated by the Federal Circuit. In the same order, issued Monday, the Federal Circuit ordered an *en banc* rehearing of *Therasense* and asked the parties (as well as *amici curiae*) to brief several questions concerning the basic legal standard that should govern allegations of inequitable conduct. A copy of the Federal Circuit's order is attached hereto for the Court's reference.

Respectfully,

/s/ Steven J. Balick

Steven J. Balick

SJB/sf/dmf
Attachment

cc: George F. Pappas, Esquire (via electronic mail; w/attachment)
Richard K. Herrmann, Esquire (hand delivery; w/attachment)
James F. Hurst, Esquire (via electronic mail; w/attachment)
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